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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/341,979 07/21/99 BODET

J CM1431

IMS2/0313

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EXAMINER

DELCOTTO, G

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 03/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/341,979

Applicant(s)
Bodet et al

Examiner
Greg Del Cotto

Group Art Unit
1751



☒ Responsive to communication(s) filed on 8 Mar 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 12-20 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 12-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Claims 12-20 are pending. Applicant's amendments and arguments filed 3/8/01 have been entered

Continued Prosecution Application

2. The request filed on 3/8/01 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/341979 is acceptable and a CPA has been established. An action on the CPA follows.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naik (US 5,387,373) for the reasons of record set forth in Paper #5.

6. Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Surutzidis et al (US 5,858,950) for the reasons of record set forth in Paper #5.

Response to Arguments

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With respect to Naik, Applicant states that Example B of Naik teaches a composition comprising a surfactant mixture of a branched alkyl alkoxy sulfate and a betaine, not an amine oxide as claims in claims 12-20. In response, note that, the teachings of a reference are not limited to the preferred embodiments and the Examiner maintains that the broad teachings of Naik suggest detergent compositions containing branched alkyl alkoxy sulfates in combination with amine oxides as recited by the instant claims.

With respect to Surutzidis et al, Applicant states that the '950 reference relates to liquid detergent compositions which can contain a branched anionic surfactant and which are formulated to be low-sudsing whereas the compositions of the present invention are formulated not only to be stable, but also to provide good sudsing, good grease removal performance and skin mildness. In response, note that, the Examiner asserts that the compositions taught by Surutzidis et al would have the same properties as recited by the instant claims because Surutzidis et al suggest cleaning compositions containing the same components in the same proportions as recited by the instant claims. Additionally, nowhere in the instant claims does it require that the compositions are high-sudsing or mild to the skin and these limitations are not read into the instant claims. Furthermore, Applicant has not provided any data or evidence showing the unexpected and superior properties of the claimed invention over the prior art products. In re Boesch, 205 USPQ 215.

Conclusion

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Remaining references cited but not relied upon are considered to be cumulative to or less pertinent than those relied upon or discussed above.

8. Applicant is reminded that any evidence to be presented in accordance with 37 CFR 1.131 or 1.132 should be submitted before final rejection in order to be considered timely.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (703) 308-2519. The examiner can normally be reached on Monday thru Friday from 9:30AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

GRD
March 12, 2001

GREGORY DELCOTTO
PRIMARY EXAMINER

